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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

LURING PAIALII,  
Plaintiff,  
v.  
CITY OF BURBANK, et al.,

Case No.: 2:24-cv-08890-CAS-PVC

Hon. CHRISTINA A. SNYDER

**JOINT RULE 26 SCHEDULING  
CONFERENCE REPORT**

Date: March 10, 2025  
Time: 11:00 a.m.  
Courtroom: 8D

1       **(a) Complex Cases**

2           This is not a complex case which requires any of the procedures of the  
3 Manual For Complex Litigation.

4       **(b) Motion Schedule**

5           Plaintiffs will not be brining any dispositive or partially dispositive motions.

6           Defendants City of Burbank (“City”), Manuel Maldonado (“Maldonado”),  
7 Rashaad Coleman (“Coleman”), Neil Gunn (“Gunn”), David Mejia (“Mejia”), and  
8 Sam Anderson (“Anderson”, collectively “Defendants”) anticipate filing a Motion  
9 for Judgment on the Pleadings by March 10, 2025. Defendants may also file a  
10 Motion for Summary Judgment, or in the alternative, Partial Summary Judgment  
11 no later than 30 days after the close of all discovery consistent with Rule 56(b).

12       **(c) ADR**

13           The parties agree to the use of ADR PROCEDURE NO. 2 - The parties shall  
14 appear before a neutral selected from the Court’s Mediation Panel.

15       **(d) Trial Estimate**

16           The parties anticipate 4-5 court days for trial.

17       **Additional Parties**

18           Plaintiff does not anticipate that any additional parties will be added. .

19           Defendants do not anticipate that any additional parties will be added.

20       **(e) Discovery Plan**

21           For when discovery should be completed, the parties submit the following  
22 proposed discovery plan.

23           (1) Exchange initial disclosures: March 17, 2025;

24           (2) Non-Expert Discovery Cut-off: January 23, 2026;

25           (3) Initial Expert Disclosure: February 27, 2026;

1 (4) Rebuttal Expert Disclosure: March 27, 2026; and

2 (5) Expert Witness Discovery Cut-off April 24, 2026

3 The parties do not proposed any changes in the timing, form, or requirement  
4 for disclosures under Rule 26(a), other than initial disclosures which will be  
5 exchanged on March 17, 2025.

6 The subjects on which discovery may be needed is on liability and damages.  
7 The parties do not propose conducting discovery in phases or limited to a particular  
8 issue.

9 The parties do not anticipate any issues about disclosure, discovery or  
10 preservation of electronically stored information.

11 The parties do not anticipate any issues about claims of privilege or of  
12 protection as trial-preparation materials.

13 The parties do not propose any changes to the limitations on discovery  
14 impose under these rules or by local rule.

15 The parties do not propose any other orders the court should issue under  
16 Rule 26(c) or under Rule 16(b) and (c).

17 **Statement of the Case**

18 **PER PLAINTIFFS:**

19 Plaintiff LURING PAIALII is a 23-year-old young man, who worked as a  
20 delivery truck driver for an ice-cream delivery company named Jeff and Tony's  
21 located in Burbank, California. In the afternoon of September 12, 2023, Plaintiff  
22 was working his driving shift delivering ice creams to various stores in the area.  
23 The truck he drove was an older vehicle and Plaintiff noticed the truck was  
24 breaking abnormally, in hard stops. Mr. Paialii's employer received at least one  
25 phone call from an unidentified member of the public notifying them that the truck  
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1 – later identified as the truck Mr. Paialii drove – appeared to be having driving  
2 issues. The employer called Plaintiff to inquire about the status of his deliveries  
3 and the alleged driving issues. Plaintiff let his employer know that he was almost  
4 finished with his deliveries and that he was experiencing trouble with the truck’s  
5 breaking. Plaintiff and his employer agreed that he should drive the truck to return  
6 to the company office. Unbeknownst to Plaintiff, his employer called 9-1-1 to  
7 report Plaintiff for “possibly driving under the influence,” despite having no  
8 specific information that Mr. Paialii had consumed any substances that would  
9 impact his driving.

10 Plaintiff arrived back and his employer’s headquarters, parked the truck,  
11 and went to the employee office to “clock out” for the day. As Plaintiff clocked  
12 out, and sat down in a chair in the office, Defendant Officers came into the  
13 employee office. The Defendant Officers grabbed Plaintiff’s forearm to initiate an  
14 arrest, they also grabbed his torso and took him down to the ground. Plaintiff’s  
15 hands were visibly empty, and he made no physical threats, nor did he attempt to  
16 make physical threats.

17 While the three officers were on top of Plaintiff, one of the officers,  
18 without warning, grabbed Plaintiff’s chin with one hand and punched him in the  
19 head at least five times with a closed fist. The involved officers also kicked  
20 Plaintiff in the side torso. Another officer, without warning, also struck Plaintiff in  
21 the face or head multiple times with a closed-fist punch. Another officer held  
22 Plaintiff down on the ground and put his arm against his throat while he was on the  
23 ground.

24 One of the officers repositioned himself to be on top of Plaintiff’s torso,  
25 pinning Plaintiff down with his bodyweight. At the same time, another officer  
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1 unholstered his taser and, without warning, deployed it into Mr. Plaintiff's thigh.  
2 The officers continued to tase Plaintiff even though he was not moving in any  
3 threatening manner and was complying with the officers' commands the as much  
4 as humanly possible, given that he was being tased, had multiple officers on top of  
5 him while pinning him down with their bodyweight, and had just been punched in  
6 the face and head multiple times.

7 At all relevant times, Plaintiff made no physical threats to any officer or  
8 anyone else and the involved officers could observe that Plaintiff was unarmed and  
9 had no weapons in his possession.

10 Plaintiffs' Complaint contains the following claims: Plaintiffs' Complaint  
11 contains the following claims: Unreasonable Search and Seizure—detention and  
12 arrest (42 U.S.C. § 1983); Unreasonable Search and Seizure—Excessive Force (42  
13 U.S.C. § 1983); Unreasonable Search and Seizure—Denial of Medical Care (42  
14 U.S.C. § 1983); False Arrest/Imprisonment; Battery; Negligence; and Violation of  
15 Bane Act (Cal. Civil Code § 52.1).

16 **PER DEFENDANTS:**

17 Defendants assert that Maldonado, Gunn, Coleman, and Mejia were justified  
18 in using force against Plaintiff. Defendants also assert that Anderson was justified  
19 in not preventing the use of force by the other officers because the use of force was  
20 legal. Defendants deny that they violated Plaintiff's constitutional rights in any  
21 way or that they are liable or caused any injuries or damage to Plaintiff under  
22 federal or state law. Defendants are immune from liability under federal and state  
23 law and are entitled to qualified immunity.

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1  
2 DATED: 03/3/2025

LAW OFFICES OF DALE K. GALIPO

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4  
5 By /s/ Eric Valenzuela

6 Dale K. Galipo

7 Eric Valenzuela

8 Attorneys for Plaintiffs

9 Dated: March 3, 2025

10 By /s/ Rodolfo Aguado III

11 Attorney for Defendants

12 CITY OF BURBANK, MANUEL

13 MALDONADO, RASHAAD COLEMAN,

14 NEIL GUNN, DAVID MEJIA, and SAM

15 ANDERSON  
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